

U.S.A. vs Javier Penagos-Estrada No. 08mj209

The Court finds excludable delay, under the section indicated by check (✓),

commenced on 2/21/08 and ended on 2-28-08; ( )  
 and ended on 2-28-08; ( )

- 3161(h)  
 (1) (A) Exam or hrg for mental or physical incapacity  
 (1) (B) NARA examination (28:2902)  
 (1) (D) State or Federal trials or other charges pending  
 (1) (E) Interlocutory appeals  
 (1) (F) Pretrial motions (from flg to hrg or other prompt dispo)  
 (1) (G) Transfers from other district (per FRCrP 20, 21 & 40)  
 (1) (J) Proceedings under advisement not to exceed thirty days  
 Misc proc: Parole or prob rev, deportation, extradition  
 (1) (H) Transportation from another district or to/from examination  
 or hospitalization in ten days or less  
 (1) (I) Consideration by Court of proposed plea agreement  
 (2) Prosecution deferred by mutual agreement  
 (3) (A) (B) Unavailability of defendant or essential witness  
 (4) Period of mental or physical incompetence of defendant to  
 stand trial  
 (5) Period of NARA commitment or treatment  
 (6) Superseding indictment and/or new charges  
 (7) Defendant awaiting trial of co-defendant when no severance  
 has been granted  
 (8) (A) (B) Continuances granted per (h) (8)-use "T" alone if more than  
 one of the reasons below are given in support of continuance  
 X (8) (B) (I) 1) Failure to grant a continuance in the proceeding  
 would result in a miscarriage of justice and  
 the ends of justice outweigh the best interest  
 of the public and the defendant in a speedy trial.  
 (Continuance - miscarriage of justice)  
 2) Failure to grant a continuance of the trial would result in  
 a miscarriage of justice as the defendant has tendered a  
 guilty plea to a magistrate judge and is awaiting a  
 determination as to whether the plea will be accepted.  
 (Continuance - tendered a guilty plea)  
 (8) (B) (ii) 2) Case unusual or complex  
 (8) (B) (iii) 3) Indictment following arrest cannot be filed in thirty (30) days  
 (8) (B) (iv) 4) Continuance granted in order to obtain or substitute counsel,  
 or give reasonable time to prepare  
 (Continuance re counsel)  
 3161(I) Time up to withdrawal of guilty plea  
 3161(b) Grand jury indictment time extended thirty (30) more days

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Date 2/21/08

DMF  
 Judge's Initials